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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,404	03/12/2004	Toshihiko Fukasawa	1232-4473US1	5974

27123 7590 04/18/2007  
MORGAN & FINNEGAN, L.L.P.  
3 WORLD FINANCIAL CENTER  
NEW YORK, NY 10281-2101

EXAMINER
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TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/798,404

Applicant(s)

FUKASAWA ET AL.

Examiner

Lan-Dai Thi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 23-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is response to communications: application, filed 03/12/2004; amendment filed 01/26/2007. Claims 23-37 are pending;

2. The applicant's arguments filed on 05/15/2006 have fully considered; Applicant's arguments with respect to the prior date of the Kihl (U.S. 6,222,536) are persuasive; the previous rejection is withdrawn

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 23-24, 26-29 and 31-34, 36-37 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam et al. (U.S. 6,138,163) in view of Bowker et al. (U.S. 2001/0039615)**

#### **Regarding to claim 23:**

Nam discloses the invention substantially as claimed, including an apparatus, which can be implemented in a computer hardware or software code for delivering video stream data from a server having an image sensing device to clients via Internet, comprising:

A connection management device adapted to make a connection with the server having the image sensing device via Internet, to get the video stream data from the server having the

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image sensing device, and to deliver video stream data to a first client in response to a request from the first client via Internet: (Nam discloses “HTTP mediate server/ know as HTTP relay server” which shares functionality with “a connection management device” as claimed has functionalites as a proxy for controlling communications between “user browsers” which is equivalent to “clients” and the video servers. The relay server sends real-time video data stream to user browsers in response to received requests from the users browsers: figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67)

Delivering the video stream data to a second client different from the first client: (Nam discloses the relay server delivers video data received from video server to plurality of users browsers: figure 1; column 3, lines 7-42)

A memory control device adapted to store the data in a buffer memory: (Name discloses the relay server includes “a stream controller/cache” which shares functionality with “a buffer memory” used to store received transmitting video data: column 3, lines 27-41, lines 62-67; column 4, lines 1-7)

However, Name does not explicitly disclose delivering the stored data to the first client without starting a new connection between the relay apparatus and the server

In analogous art, Bowker discloses method for involving of broker application server into communications between senders and receivers; the broker application server is used to analyze and transform the transmitting data into comfortable formats of receivers prior transmitting and then directly deliveries the transformed format data to the appropriate receivers: (abstract; [0020]-[0022]; [0026])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Bowker's ideas of involving of broker application server into communications between senders and receivers for transforming transmitting data into comfortable receiver's formats with Nam's system in order to provide more flexibilities for telecommunication system e.g. real-time format conversion capability, see ([0005]; [0007]; [0008])

**Regarding to claims 28 and 33:**

Those claims are rejected under rationale of claim 23

**Regarding to claims 26-27, 31-32 and 36-37:**

Those claims are rejected under rationale of claims 23, 28 and 33

**Regarding to claims 24, 29 and 34:**

In addition to rejection in claim 23, 28 and 33, Nam- Bowker further discloses HTTP:  
(Nam discloses the relay server which supports HTTP communication: column 3, lines 27-40)

**Claims 25, 30 and 35 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam- Bowker in view of Segur (U.S. 6,212,550)**

**Regarding to claims 25, 30 and 35:**

Nam- Bowker discloses the invention substantially as disclosed in claims 23, 28 and 33, but does not explicitly teach converting video data stream

In analogous art, Segur discloses method for converting video data stream into another format compatible for communications: (abstract; figure 1)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Segur's ideas of converting data from one format into another

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format with Nam- Bowker's system in order to provide a convenient communication system for Internet users such as the Internet users can be able to share relevant information via using different communication platforms, see (column 3, lines 66-67; column 4, lines 1-9)

The prior arts made of records and not relied upon are considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "relay apparatus and system and method, and storage medium": 5991306; 5991306; 5519640; 5867485; 6557031; 6067571; EP 0723369; 6002753; 6003077; 5724355; 5748894; 6023698; 5479472

### **Conclusions**

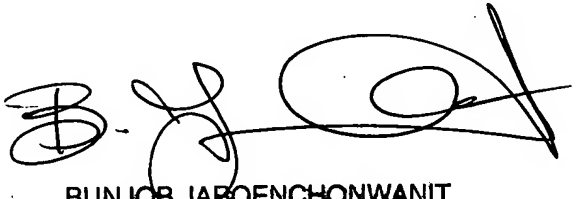
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

04/11/2007



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER